

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

IN RE SUBPOENA ON BAE SYSTEMS,
INC.

Miscellaneous Action No.: 1:25-mc-00044

COLLISION COMMUNICATIONS, INC.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendant.

Underlying Case :

Case No. 2:23-cv-00587-JRG

(Pending in the U.S. District Court for
the Eastern District of Texas)

SAMSUNG'S ASSENTED-TO MOTION TO SEAL ITS MOTION TO COMPEL

Pursuant to Combined Local Rule 83.12, Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”) hereby move and respectfully request that the Court seal certain pleadings in this matter at Level I so they only “may be reviewed by any attorney or pro se party appearing in the action without prior leave of court.” Combined Local Rule 83.12(b)(1). Specifically, Samsung requests that the Court seal the plaintiff’s Motion to Compel (Dkt. 1) and certain of its attachments on the grounds that they contain highly confidential information subject to a protective order in the underlying litigation, *Collision Communications, Inc. v. Samsung Electronics Co., Ltd. et al*, 2:23-cv-00587-JRG, Dkt. 1 (E.D. Tex.).¹

“Federal courts—and by extension many documents filed with federal courts—are public by default and remain that way unless extraordinary circumstances require otherwise.” *Planet Fitness Int’l Franchise v. JEG-United, LLC*, 633 F. Supp. 3d 484, 507 (D.N.H. 2022) (citations omitted). However, “courts have refused to permit their files to serve . . . as sources of business information that might harm a litigant’s competitive standing.” *Id.* (quoting *Nixon v. Warner Comms., Inc.*, 435 U.S. 589, 598 (1978)). As such, courts often find it appropriate to keep sealed certain competitive business information, especially early in the litigation. *Id.* This is particularly true where information has been sealed by another court. L.R. 83.12(a).

Here, there is a compelling justification to seal the following documents:

- Samsung unredacted Motion to Compel. Ex. A.
- The Transcript to the Deposition of Thomas McElwain. Ex. B.
- Samsung’s two *Arctic Cat* notices. Exs. C, D.
- The Transcript to the Deposition of Jared Fry. Ex. E.

¹ In the underlying district court litigation in the Eastern District of Texas, plaintiff Collision Communications, Inc. (“Collision”) asserts infringement of five U.S. patents originally developed by or assigned to BAE Systems Information and Electronic Systems Integration Inc., a BAE Systems, Inc. company (“BAE”).

- Email Correspondence Between the Parties. Ex. F.

These documents contain competitive information subject to a protective order in the underlying litigation. *Collision v. Samsung*, 2:23-cv-00587-JRG, Dkt. 40. This and similarly confidential information, has been kept under seal in the underlying litigation pursuant to the Texas court’s protective order. *Id.* Sealing the information here is therefore appropriate. *See* L.R. 83.12(a) (“All filings, orders, and docket text entries shall be public unless: (1) sealed by order of this court, ***another court*** or agency”) (emphasis added). Samsung seeks to keep these documents under seal indefinitely. Collision and BAE do not oppose sealing. Ex. F at 1.

For the foregoing reasons, the defendants respectfully request that the Court seal the plaintiff’s Motion to Compel (Dkt. 1) and the corresponding attachments, which have been or will be marked “RESTRICTED – ATTORNEYS’ EYES ONLY.”

DATED: April 7, 2025

Respectfully submitted,

By /s/ Harvey Wolkoff

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served on counsel of record in the underlying case and counsel for BAE via email and First Class Mail postage prepaid on:

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